

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION (DAYTON)

NCR CORPORATION
1700 South Patterson Boulevard
Dayton, Ohio 45479-0001,

Plaintiff,

vs.

INGENICO S.A., d/b/a
GROUPE INGENICO, and
INGENICO, INC.,
1003 Mansell Road
Roswell, GA 30076,

Defendant.

CASE NO. **3 - 03 - 358**

THOMAS M. ROSE

COMPLAINT FOR
PATENT INFRINGEMENT
JURY TRIAL DEMANDED

FILED
KENNETH J. FLETCHER
CLERK
01/01/04 PM 3:36

Plaintiff NCR Corporation, by its attorneys, brings this action against Defendant, Ingenico, Inc., for a judgment that Defendant has infringed and is infringing United States Patent Number 6,539,363, and for damages and other relief resulting from that infringement.

PARTIES, JURISDICTION AND VENUE

1. Plaintiff, NCR Corporation, ("Plaintiff" or "NCR") is a Maryland corporation having its principal place of business at 1700 South Patterson Boulevard, Dayton, Ohio 45479-0001.

2. Defendant Ingenico S.A., d/b/a Groupe Ingenico is a French corporation that maintains its principal place of business at 9, Quai de Dion Bouton, 92816 Puteaux Cedex, France. Defendant Ingenico S.A., d/b/a Groupe Ingenico is also authorized

to do business in the United States of America and may also be served by the Georgia Secretary of State by sending a copy of this Complaint by Certified Mail, Return Receipt Requested, to any officer or director at its principal place of business in the United States, 1003 Mansell Road, Roswell, Georgia 30076.

3. On information and belief, Defendant, Ingenico, Inc., ("Defendant" or "Ingenico" herein) is a Georgia corporation having its principal place of business at 1003 Mansell Road, Roswell, Georgia 30076.

4. This is an action for patent infringement arising under the Patent Laws of the United States, Title 35 of the United States Code, specifically, 35 U.S.C. § 271, *et seq.* Jurisdiction in this Court is proper pursuant to 28 U.S.C. §§ 1331, 1332, 1338(b). Venue is proper pursuant to 28 U.S.C. §§ 1391 and 1400(b).

FIRST CLAIM FOR RELIEF

(Infringement of U.S. Patent Number 6,539,363)

5. On March 25, 2003, United States Patent Number 6,539,363 ("the '363 patent"), entitled "Write Input Credit Transaction Apparatus and Method with Paperless Merchant Credit Card Processing," was duly and legally issued to NCR employees David M. Allgeier, *et al.* All right, title and interest in the '363 patent has been assigned to NCR, and NCR is the owner of the entire right, title and interest in and to the '363 patent. A copy of the '363 patent is attached as Exhibit A.

6. On information and belief, Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement of one or more claims of the '363 patent. Defendant's infringing activities include, but are not limited to,

selling, importing, operating, using or inducing others to use Defendant's signature capturing devices and the methods coming within the scope of the claims of the '363 patent.

7. Defendant has been on notice of its infringement of the '363 patent since at least April 2, 2003.

8. On information and belief, Defendant's infringement of the '363 patent has been willful and deliberate.

9. As a consequence of the infringing activities of Defendant regarding the '363 patent, NCR has suffered monetary damages and is entitled to monetary damages pursuant to 35 U.S.C. § 284.

PRAYER FOR RELIEF

Plaintiff requests judgment and relief against Defendant, including:

- A. Judgment that Defendant has infringed, has induced others to infringe, or has committed acts of contributory infringement with respect to claims of United States Patent Number 6,539,363;
- B. Judgment preliminarily and permanently enjoining Defendant from committing further infringing acts with regard to United States Patent Number 6,539,363;
- C. Judgment awarding Plaintiff damages adequate to compensate for Defendant's infringement of United States Patent Number 6,539,363;
- D. Judgment that Defendant's infringement was willful and that said damages be trebled pursuant to 35 U.S.C. § 284;
- E. An award to Plaintiff of its attorneys' fees pursuant to 35 U.S.C. § 285;
- F. An award to Plaintiff of its costs; and
- G. An award for Plaintiff for such other and further relief as this Court may deem just and proper.

JURY DEMAND

Plaintiff demands a jury trial on all issues triable to a jury in this matter.

Respectfully submitted,



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